

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

William J. Carey

v.

Civil No. 05-cv-293-JD

Steven Olson, et al.

O R D E R

On April 13, 2006, the court ordered service on defendant Peter Bartlett, while a motion for judgment on the pleadings filed by the other two defendants was pending. The next day, Bartlett filed a motion for judgment on the pleadings, contending simply that the arguments made by the other two defendants were equally applicable to him. On April 21, 2006, the court granted the first motion for judgment on the pleadings as to defendant Steven Olson and as to that part of the plaintiff's claim against defendant Michael Boufford that was based on New Hampshire case number 03-S-1078. Because the plaintiff's claim against Boufford also arose out of a separate case or cases, part of the motion for judgment on the pleadings was denied.

Given the mixed outcome on the first motion for judgment on the pleadings, defendant Bartlett cannot rely on that motion to seek judgment on the pleadings in his favor. As the court directed in the previous order, the issues raised in both motions for judgment on the pleadings would be more appropriately addressed in a properly supported motion for summary judgment.

Conclusion

For the foregoing reasons, the defendant's motion for judgment on the pleadings (document no. 20) is denied without prejudice to file a properly supported motion for summary judgment.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

May 2, 2006

cc: William J. Carey, pro se
Robert J. Meagher, Esquire